0007

From:

Steve Demczak

To:

Angela Nance; Vicky Miller

Date:

12/7/2009 11:03 AM

Subject:

Nov Insp Report

Attachments:

20091207111745.pdf; 20091207111808.pdf; 20091207111721.pdf

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State of Utah

# Department of Natural Resources

MICHAEL R. STYLER Executive Director

# Division of Oil, Gas & Mining

JOHN R. BAZA
Division Director

JON M. HUNTSMAN, JR. Governor

GARY R. HERBERT Lieutenant Governor

Representativ	es Present During the Inspection:
Company	Vicky S. Miller Environmental Specialist
OGM	Steve Demczak Environmental Scientist III

## **Inspection Report**

Permit Number:	C0070018
Inspection Type:	COMPLETE
Inspection Date:	Monday, November 16, 2009
Start Date/Time:	11/16/2009 10:00:00 AM
End Date/Time:	11/16/2009 12:00:00 PM
Last Inspection:	Tuesday, August 18, 2009

Inspector: Steve Demczak, Environmental Scientist III

Weather: Sunny, cold 30's

InspectionID Report Number: 2202

Accepted by: jhelfric

12/7/2009

Permitee: CANYON FUEL COMPANY LLC Operator: CANYON FUEL COMPANY LLC

Site: SOLDIER CANYON MINE

Address: PO BOX 1029, WELLINGTON UT 84542

County: CARBON

Permit Type: PERMANENT COAL PROGRAM

Permit Status: ACTIVE

Current Acreages		Mineral Ownership	Types of Operations		
6,624.64	<b>Total Permitted</b>	☑ Federal	✓ Underground		
24.32	<b>Total Disturbed</b>	<b>✓</b> State	☐ Surface		
	Phase I	☐ County	☐ Loadout		
	Phase II	☐ Fee	Processing		
	Phase III	Other	Reprocessing		

Report summary and status for pending enforcement actions, permit conditions, Division Orders, and amendments:

Permit Condition: Canyon Fuel Company has just one permit condition for the Soldier Canyon Mine; to submit water quality data in an electronic format through the Electronic Data Input web site.

Permitting Actions: None

Inspector's Signature:	Itelan (	2 Dage L	Date	Thursday, November 19, 2009
		7	 -	

Steve Demczak, Environmental Scientist III

Inspector ID Number: 39

Note: This inspection report does not constitute an affidavit of compliance with the regulatory program of the Division of Oil, Gas and Mining.

Permit Number: C0070018 Inspection Type: COMPLETE

Inspection Date: Monday, November 16, 2009

#### **Inspection Continuation Sheet**

Page 2 of 4

## REVIEW OF PERMIT, PERFORMANCE STANDARDS PERMIT CONDITION REQUIREMENTS

- 1. Substantiate the elements on this inspection by checking the appropriate performance standard.

  a. For COMPLETE inspections provide narrative justification for any elements not fully inspected unless element is not appropriate to the site, in which case check Not Applicable.

  b. For PARTIAL inspections check only the elements evaluated.
- Document any noncompliance situation by reference the NOV issued at the appropriate performance standard listed below.
   Reference any narratives written in conjunction with this inspection at the appropriate performance standard listed below.
- 4. Provide a brief status report for all pending enforcement actions, permit conditions, Divison Orders, and amendments.

		Evaluated	Not Applicable	Comment	Enforcemen
1.	Permits, Change, Transfer, Renewal, Sale	<b>∠</b>			
2.	Signs and Markers	<b>V</b>		<b>V</b>	
3.	Topsoil	<u> </u>	n n	<u> </u>	- H
4.a	Hydrologic Balance: Diversions	V		<u> </u>	
4.b	Hydrologic Balance: Sediment Ponds and Impoundments	. 🗸		<u> </u>	
4.c		<b>V</b>		<u> </u>	
4.d		<b>V</b>			
4.e	Hydrologic Balance: Effluent Limitations	<u>v</u>		<u> </u>	
5.	Explosives		<u> </u>		<del>-                                    </del>
6.	Disposal of Excess Spoil, Fills, Benches	<u> </u>			
7.	Coal Mine Waste, Refuse Piles, Impoundments		<u> </u>		
8.	Noncoal Waste	<u> </u>		<u> </u>	
9.	Protection of Fish, Wildlife and Related Environmental Issues	<u> </u>	$\overline{}$		
10.	Slides and Other Damage	<b>V</b>		<u> </u>	<del></del>
11.		<u> </u>			
12.	Backfilling And Grading		<u> </u>		
13.	Revegetation	<u> </u>			
14.	Subsidence Control	<u> </u>	<u> </u>		
15.	Cessation of Operations	<u> </u>	<u>_</u>		
16.a	Roads: Construction, Maintenance, Surfacing	<u> </u>		<u> </u>	
	Roads: Drainage Controls	<u> </u>		<u> </u>	一
17.	Other Transportation Facilities	<u> </u>			
18.	Support Facilities, Utility Installations	<u> </u>		<u> </u>	
	AVS Check	<u> </u>			<del></del>
20.	Air Quality Permit	<u> </u>		<u> </u>	<del>_</del>
21.	Bonding and Insurance	<u> </u>			
22.	Other			$\bar{\exists}$	

Permit Number: C0070018 Inspection Type: COMPLETE

Inspection Date: Monday, November 16, 2009

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#### 1. Permits, Change, Transfer, Renewal, Sale

No permitting action is with the Division for Soldier Creek Mine. The permit will expire on Feb. 12, 2012. The SPPC plan was last inspected on December 3, 2007. The UPDES permit will expire on March 31, 2011. SPCC Plan was reviewed on 12/03/2007 by a P.E..

#### 2. Signs and Markers

Identification signs are at gates to the property.

#### 3. Topsoil

There were no signs of wind or water erosion.

#### 4.a Hydrologic Balance: Diversions

Diversion were inspected and would function during a storm event.

#### 4.b Hydrologic Balance: Sediment Ponds and Impoundments

The sediment pond was inspected for the second quarter on August 17, 2009. No hazardous conditions were reported. I inspected the sediment pond and no hazardous conditions were not noticed.

#### 4.e Hydrologic Balance: Effluent Limitations

No discharge for the third quarter of 2009.

#### 8. Noncoal Waste

The site was cleaned up last summer.

#### 10. Slides and Other Damage

No slides or orther damage was noticed during the inspection.

#### 15. Cessation of Operations

The mine site is still in cessation.

#### 16.a Roads: Construction, Maintenance, Surfacing

Concrete has strarted to break-up in several places.

#### 16.b Roads: Drainage Controls

Road drainage is functioning.

#### 18. Support Facilities, Utility Installations

No new facilities constructed since last inspection.

Permit Number: C0070018 Inspection Type: COMPLETE

Inspection Date: Monday, November 16, 2009

**Inspection Continuation Sheet** 

Page 4 of 4

## 20. Air Quality Permit

DAQE-334-94

## 21. Bonding and Insurance

The insurance policy will expire on June 31, 2010. The bonding amount is \$1,593,000



#### State of Utah

#### Department of **Natural Resources**

MICHAEL R. STYLER Executive Director

Division of Oil, Gas & Mining

> JOHN R. BAZA Division Director

Permit Status: ACTIVE

9,751.00 Total Permitted

**Current Acreages** 

104.70

JON M. HUNTSMAN, JR. Governor

GARY R. HERBERT Lieutenant Governor

Representatives Present During the Inspection: Company Vicky S. Miller Environmental Specialist OGM Steve Demczak Environmental Scientist III

## **Inspection Report**

Permit Number:	C0070039
Inspection Type:	COMPLETE
Inspection Date:	Thursday, November 12, 2009
Start Date/Time:	11/12/2009 10:00:00 AM
End Date/Time:	11/12/2009 2:00:00 PM
Last Inspection:	Wednesday, October 07, 2009

Inspector: Steve Demczak, Environmental Scientist III

Weather: Sunny, 50's

InspectionID Report Number: 2200

Accepted by: jhelfric

12/7/2009

Permitee: CANYON FUEL COMPANY LLC Operator: CANYON FUEL COMPANY LLC

Site: DUGOUT CANYON MINE

Address: PO BOX 1029, WELLINGTON UT 84542

County: CARBON

Permit Type: PERMANENT COAL PROGRAM

**Total Disturbed** Phase I Phase II Phase III

Mineral Ownership	Types of Operations			
✓ Federal	✓ Underground			
✓ State	☐ Surface			
☐ County	☐ Loadout			
<b>☑</b> Fee	Processing			
☐ Other	Reprocessing			

Report summary and status for pending enforcement actions, permit conditions, Division Orders, and amendments:

There are no pending compliance actions for the Dugout Canyon Mine permit area.

The Permittee is current relative to the required electronic quarterly water monitoring submittals for 2009.

Inspector's Signature:

Steve Demczak, Environmental Scientist III

Date

Thursday, November 19, 2009

Inspector ID Number: 39

Note: This inspection report does not constitute an affidavit of compliance with the regulatory program of the Division of Oil, Gas and Mining.

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Inspection Date: Thursday, November 12, 2009

## REVIEW OF PERMIT, PERFORMANCE STANDARDS PERMIT CONDITION REQUIREMENTS

- 1. Substantiate the elements on this inspection by checking the appropriate performance standard.

  a. For COMPLETE inspections provide narrative justification for any elements not fully inspected unless element is not appropriate to the site, in which case check Not Applicable.

  b. For PARTIAL inspections check only the elements evaluated.
- 2. Document any noncompliance situation by reference the NOV Issued at the appropriate performance standard listed below.

  3. Reference any narratives written in conjunction with this inspection at the appropriate performace standard listed below.
- 4. Provide a brief status report for all pending enforcement actions, permit conditions, Divison Orders, and amendments.

1.	Permits Change Transfer D	Evaluated	Not Applicable	_	Enforcemen
_	Permits, Change, Transfer, Renewal, Sale	<u> </u>		<u> </u>	
2.	Signs and Markers	<u> </u>		<u> </u>	
3.	Topsoil	<u> </u>		✓	
4.a	Hydrologic Balance: Diversions	V		V	
4.b	Hydrologic Balance: Sediment Ponds and Impoundments	V		V	
4.c	Hydrologic Balance: Other Sediment Control Measures				
4.d	Hydrologic Balance: Water Monitoring	✓		V	
4.e	Hydrologic Balance: Effluent Limitations	V		П	П
<u>5.</u>	Explosives	V			
6.	Disposal of Excess Spoil, Fills, Benches		V		
7.	Coal Mine Waste, Refuse Piles, Impoundments	V		<b>V</b>	
8.	Noncoal Waste	<b>V</b>		<b>V</b>	
9.	Protection of Fish, Wildlife and Related Environmental Issues	$\mathbf{V}$			
10.	Slides and Other Damage	<b>V</b>		✓	
11.	Contemporaneous Reclamation		V		
12.	Backfilling And Grading		<b>V</b>		
13.	Revegetation		<b>V</b>		
14.	Subsidence Control	V		<b>V</b>	
15.	Cessation of Operations		✓		
16.a	Roads: Construction, Maintenance, Surfacing	✓			
16.b	Roads: Drainage Controls	V		V	
17.	Other Transportation Facilities				
18.	Support Facilities, Utility Installations	✓		<b>V</b>	
9.	AVS Check	<b>V</b>			
20.	Air Quality Permit	<b>V</b>			
1.	Bonding and Insurance	V		<u> </u>	
2. (	Other				

Permit Number: C0070039 Inspection Type: COMPLETE

Inspection Date: Thursday, November 12, 2009

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#### 1. Permits, Change, Transfer, Renewal, Sale

DOGM Permit will expire on March 17, 2013. Air Quality permit number is DAQUE-AN0116340009-07. UPDES permit number is UT0025593 and expire on Nov. 30, 2009. The SPCC Plan was refviewed on March 14, 2008.

#### 2. Signs and Markers

The permit sign is located at the gate to the property. Information meets the minimium requirements of the R645 Coal Rules.

#### 3. Topsoil

The topsoil pile next to the refuse pile were inspected. There is some vegetated growth which includes some weeds. There were no signs of wind or water erosion to the piles.

#### 4.a Hydrologic Balance: Diversions

The diversions were spot inspected and were functioning as designed.

#### 4.b Hydrologic Balance: Sediment Ponds and Impoundments

I inspected the sediment pond; and it did contain water but was not discharging during the inspection. The pond was cleaned out a few of months ago. No hazardous conditions were noticed during the inspection. The sediment pond was inspected on June 30, 2009 by the permittee.

#### 4.d Hydrologic Balance: Water Monitoring

The permittee has sent the second quarter water data to the Division.

#### 7. Coal Mine Waste, Refuse Piles, Impoundments

The waste rock site was inspected with no hazardous conditions noticed during the inspection. The permittee inspected the refuse pil;e on Aug 12, 2009. This was conducted by a P.E.. No hazardous conditions were reported.

#### 8. Noncoal Waste

The mine site was clear of non-coal waste materials.

#### 10. Slides and Other Damage

No slides or other damage was noticed during the inspection.

#### 14. Subsidence Control

This information is in the annual report.

#### 16.b Roads: Drainage Controls

Road diversions were inspected and were functioning as designed.

Permit Number: C0070039 Inspection Type: COMPLETE

Inspection Date: Thursday, November 12, 2009

#### **Inspection Continuation Sheet**

Page 4 of 4

## 18. Support Facilities, Utility Installations

No new facilities constructed since the last inspection.

## 21. Bonding and Insurance

The insurance policy will expire on July 31, 2010. The accord form was reviewed and meets the requirements of the R645 Coal Rules. The bonding amount is \$3,550,000. The Reclamation Agreement was inspected and is signed by the Division. The total disturb area is 104.70 acres.



#### State of Utah

#### Department of **Natural Resources**

MICHAEL R. STYLER Executive Director

### Division of Oil, Gas & Mining

JOHN R. BAZA Division Director

Permitee: CANYON FUEL COMPANY LLC

Operator: CANYON FUEL COMPANY LLC

JON M. HUNTSMAN, JR. Governor GARY R. HERBERT Lieutenant Governor

Representatives Present During the Inspection:

Company Vicky S. Miller Environmental Specialist

OGM Steve Demczak Environmental Scientist III

Site: BANNING SIDING LOADOUT Address: PO BOX 1029, WELLINGTON UT 84542

County: CARBON Permit Type: PERMANENT COAL PROGRAM

**Total Permitted** 

**Total Disturbed** 

Phase I

Phase II

Phase III

Permit Status: ACTIVE **Current Acreages** 

36,42

21.60

## **Mineral Ownership**

✓ Federal ✓ State County

✓ Fee ☐ Other

## **Types of Operations**

Permit Number:

Inspection Type:

Inspection Date:

Start Date/Time:

End Date/Time:

Last Inspection:

Weather: Sunny, cold, 30's

InspectionID Report Number: 2203

☐ Underground ☐ Surface

**Inspection Report** 

C0070034 COMPLETE

Thursday, November 19, 2009

11/19/2009 12:00:00 PM

11/19/2009 2:00:00 PM

Tuesday, August 18, 2009

Accepted by: jhelfric

12/7/2009

Inspector: Steve Demczak, Environmental Scientist III

☐ Loadout Processing Reprocessing

Report summary and status for pending enforcement actions, permit conditions, Division Orders, and amendments:

Permit Condition: Canyon Fuel Company has just one permit condition for the Banning Loadout; to submit water quality data in an electronic format through the Electronic Data Input web site.

Inspector's Signature:

Steve Demczak, Environmental Scientist III

Inspector ID Number: 39 Note: This inspection report does not constitute an affidavit of compliance with the regulatory program of the Division of Oil, Gas and Mining.

1594 West North Temple, Suite 1210, PO Box 145801, Sait Lake City, UT 84114-5801 telephone (801) 538-5340 • facsimile (801) 359-3940 • TTY (801) 538-7458 • www.ogm.utah.gov Date

Thursday, November 19, 2009

**Inspection Continuation Sheet** 

Page 2 of 3

Inspection Date: Thursday, November 19, 2009

## REVIEW OF PERMIT, PERFORMANCE STANDARDS PERMIT CONDITION REQUIREMENTS

- Substantiate the elements on this inspection by checking the appropriate performance standard.
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   Provide a brief status report for all pending enforcement actions, permit conditions, Divison Orders, and amendments.

4	Powelle Observe T	Evaluated	Not Applicable	Comment	Enforcemen
1.	Permits, Change, Transfer, Renewal, Sale	V		✓	
<u>2.</u>	Signs and Markers	V		V	
3.	Topsoil	$\checkmark$			
4.a	Hydrologic Balance: Diversions	V		✓	
4.b	Hydrologic Balance: Sediment Ponds and Impoundments	✓		<b>V</b>	
4.c	Hydrologic Balance: Other Sediment Control Measures	V		П	
4.d	Hydrologic Balance: Water Monitoring	<b>V</b>			<del>-</del>
4.e	Hydrologic Balance: Effluent Limitations	<b>V</b>			
5.	Explosives		<u> </u>		
6.	Disposal of Excess Spoil, Fills, Benches		V		
7.	Coal Mine Waste, Refuse Piles, Impoundments		V		
8.	Noncoal Waste	V		<b>V</b>	
9.	Protection of Fish, Wildlife and Related Environmental Issues	V			
10.	Slides and Other Damage	<b>V</b>		V	
11.	Contemporaneous Reclamation				一一
12.	Backfilling And Grading	<b>V</b>		$\overline{\Box}$	
13.	Revegetation	V			$\overline{\Box}$
14.	Subsidence Control		<b>V</b>		
15.	Cessation of Operations	V		<u> </u>	
16.a	Roads: Construction, Maintenance, Surfacing				$\overline{\Box}$
16.b	Roads: Drainage Controls	V		<u> </u>	
17.	Other Transportation Facilities	<b>V</b>			
18.	Support Facilities, Utility Installations	<u> </u>		<u> </u>	
19.	AVS Check	<u> </u>			<del></del>
20.	Air Quality Permit	<u> </u>			
1.	Bonding and Insurance	<u> </u>	<u>_</u>	<u> </u>	
	Other				
			لسبا		<u></u>

Permit Number: C0070034 Inspection Type: COMPLETE

Inspection Date: Thursday, November 19, 2009

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### 1. Permits, Change, Transfer, Renewal, Sale

here are no permitting actions with the Division. The permit will expire on 11/24/2013. The SPCC Plan was reviewed on December 3, 2007.

#### 2. Signs and Markers

The identification signs is at the gate to the property.

#### 4.a Hydrologic Balance: Diversions

Diversions were functioning as designed. The ditches were not flowing water.

### 4.b Hydrologic Balance: Sediment Ponds and Impoundments

The sediment pond did not discharge for the third quarter of 2009. I inspected the sediment pond and did not see any hazardous conditions. The permittee inspected the sediment pond on August 17, 2009. No hazardous conditions were reported.

#### 8. Noncoal Waste

The disturb area was clear of non-coal waste materials.

#### 10. Slides and Other Damage

No slides or other damage was noticed during the inspection.

#### 15. Cessation of Operations

This site is not active.

#### 16.b Roads: Drainage Controls

Road drainage is functioning.

#### 18. Support Facilities, Utility Installations

There are no new facilities.

#### 20. Air Quality Permit

Air Quality Permit number is 533-6108

#### 21. Bonding and Insurance

The insurance policy will expire on July 31, 2010. The bonding amount is \$350,000.